

REMARKS

Applicant(s) and applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent telephone interview held on July 12, 2005. Reconsideration and allowance for the above-identified application are now respectfully requested.

With this paper, Applicants hereby confirm election of original claims 1-12, and 34-37 in the present application. Applicants further hereby confirm cancellation of original claims 13-33 without prejudice from the present application, having filed original claims 13-33 in a corresponding divisional patent application on July 6, 2005. With this paper, Applicants also add new independent claims 38 and 39. Accordingly, original claims 1-12, and 34-37, and new claims 38 and 39 are now pending in the present application, of which claims 1, 34, and 38-39 are independent apparatus claims, while claims 2-12 and 35-37 apparatus claims depending from claims 1 and 34 respectively.

In addition to the noted restriction, the most recent Office Action dated May 5, 2005 ("*Office Action*") provisionally rejected original claims 1-3, 5, 8-12, 34, and 37 under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claims 29, 33-35 and 37-45 of copending Application No. 10/465,465 to Goodson, *et al.* ("*Goodson*"). The *Office Action* further provisionally rejected claims 4, 6-7, and 35-36 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 29, 33-35, and 37-45 of *Goodson* in view of U.S. Patent No. 5,958,539 to Eckart, *et al.* ("*Eckart*"). In response, Applicants submit herewith a Terminal Disclaimer of commonly-assigned U.S. Patent Application Serial No. 10/465,465. The double patenting rejections of record, therefore, are now moot.

In addition, the *Office Action* objected to claim 2 under 37 CFR 1.75(c) as being improper dependent form for failing to further limit the subject matter of a previous claim. The *Office Action* further rejected claims 1-12, and 34-37 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants have amended dependent claim 2 to state that the first and second extruded sheets “are at least partially translucent”. Applicants have further amended dependent claims 8-12 to better clarify the characteristics of the three-dimensional objects recited in independent claim 1. As expressed during the recent telephone interview, these dependent claims, and corresponding amendments to these claims, do not contradict or broaden the claimed subject matter recited in claim 1, but rather serve primarily to clarify some of the properties of the three-dimensional objects claimed in the underlying claim 1. These dependent claims are therefore narrower in scope, as required. Applicants have also amended claims 36 and 37 for matters of form. As such, Applicants respectfully submit that these rejections, in further view of comments expressed during the recent telephone interview, appropriately address the § 112 rejections of record, rendering these rejections now moot.

In addition, the *Office Action* rejected claims 1-3, 5-6, 8-12, 34-35, and 37 under 35 U.S.C. § 102(a) or (e) as being anticipated by U.S. Patent Publication No. U.S. 2003/0113485 to Schober (“*Schober*”). The *Office Action* also rejected claims 1-2 and 7 under 35 U.S.C. § 102(b) as being anticipated by *Eckart*. Finally, the *Office Action* rejected claims 3-6, 8-12, and 34-37 under 35 U.S.C. § 103(a) as being unpatentable over *Eckart* as applied to claims 1-2, and 7, and further in view of *Schober*.

Applicant's invention, as recited in claim 1, includes a decorative laminate panel comprising opposing first and second extruded sheets formed together; and one or more compressible three-dimensional objects positioned between the opposing first and second extruded sheets in a substantially natural conformation; wherein a corresponding natural cross-sectional diameter of the one or more compressible three-dimensional objects is substantially maintained when the opposing first and second extruded sheets are formed together.

Applicant's invention, as recited in claim 34, includes a laminate sheet assembly for use in a thermosetting process comprising a first extruded sheet; one or more three-dimensional objects arranged on the first extruded sheet; and a second extruded sheet positioned about the one or more embedded objects; wherein the one or more three-dimensional objects are arranged in a position between the first and second extruded sheet such that sufficient air escapes from between the embedded objects as pressure is increased, such that lakes or air bubbles are avoided the first extruded sheet and second extruded sheet are formed together.

By contrast, *Eckart* teaches a thermoplastic article having upper and lower resin sheets thermoformed about a textile fabric layer. Col. 4, ll. 26-32. Applicants respectfully submit (and the Examiner seemed to agree), however, that the textile fabric layer would be more properly described as a two-dimensional object. Accordingly, *Eckart* fails to teach, show, or describe "one or more compressible three-dimensional objects positioned between the opposing first and second extruded sheets in a substantially natural conformation", as recited in amended claim 1.

In addition, the *Schober* reference discloses a thermoformed (or "thermoset") resin matrix made from resin sheets thermoformed together about decorative objects, such as textile fabric (two-dimensional object), metallic wire, rod, mesh (two-dimensional object), bar, wood veneer (two-dimensional object), or dried natural materials, such as tree bark, plant leaves, petals, and

twigs, using pressures up to 160 psi. ¶ 0032. Some of these disclosed objects, however, are not “compressible”, as properly understood from Applicants’ disclosure (e.g., ¶ 0026 of the instant application), such as in the case of metallic wire, rod, mesh, bar, wood veneer, textile, or tree bark. That is, these objects are too rigid to be compressed or deformed at the annealing pressure recited by *Schober*, which is up to 160 psi. *See, e.g.*, ¶ 0042; *see also* ¶¶ 0052-0053, 0060-0061, and 0066-0067. On the other hand, although the remainder of the disclosed decorative objects might be “compressible”, as properly understood from Applicants’ disclosure (e.g., ¶ 0026 of the instant application), as in the case of plant leaves, petals, or dried twigs, these objects would be significantly flattened to a primarily two-dimensional conformation at these recited pressures. *Id.* This would be an unnatural conformation that does not preserve the given object’s respective natural cross-sectional diameter(s). *See, e.g.*, Figure 1B and ¶ 0029 of the Applicants’ disclosure.

Accordingly, *Schober* fails to teach, show, or describe, whether singly, or in combination with *Eckart*, “opposing first and second extruded sheets formed together; and one or more compressible three-dimensional objects positioned between the opposing first and second extruded sheets in a substantially natural conformation; wherein a corresponding natural cross-sectional diameter of the one or more compressible three-dimensional objects is substantially maintained when the opposing first and second extruded sheets are formed together”, as recited in amended claim 1.

In addition, *Schober* discloses the removal of air bubbles or related gasses from a lay up sandwich during the thermoforming process by opening the thermoforming press. ¶ 0041. As disclosed, opening the press removes pressure from the lay up sandwich, allowing the resin sheets to separate somewhat, such that air or related gasses can escape. *Id.* *Schober* states that

this opening of the press to remove all gasses is “critical” to “produce products which are free of defects (such as air or gas bubbles entrapped in the matrix . . .)”. ¶ 0038. Not surprisingly, therefore, *Schober* teaches this removal of gasses from the lay up sandwich by opening the press and removing pressure from the lay up sandwich in each manufacturing example, without alternative. *E.g.*, ¶¶ 0041, 0052, 0059, and 0066. Along these lines, *Eckart* also discloses that air or gas bubbles are removed at low pressure; however, disclosing that air and gasses should be removed “prior to applying heat and pressure”. Col. 5, ll. 12-15. Thus, *Schober* and *Eckart* both teach removal of air or gasses in standard or low pressure situations: (i) either before the addition of pressure; or (ii) upon the removal of pressure. Accordingly, *Schober* fails to teach, show, or describe, whether singly, or in combination with *Eckart*, a laminate assembly with three-dimensional decorative objects arranged “such that sufficient air escapes from between the embedded objects as pressure is increased”, as recited in amended claim 34.

Applicants respectfully submit, therefore, that the § 102 and/or § 103 rejections of record for independent claims 1 and 34 are now moot. Furthermore, the remaining rejections of record for the remaining dependent claims not specifically addressed herein are also now moot, as these depend from allowable independent claims.

In addition, Applicants respectfully submit that new independent claims 38 and 39 are also allowable since they contain subject matter that distinguishes over the cited references, and are consistent with the remarks in this paper, as well as comments expressed during the recent telephone interview with the Examiner. Support for new independent claims 38 and 39 can be found throughout Applicants’ specification, as more particularly, for example, in ¶¶ 0026, and 0029.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 24 day of August, 2005.



Respectfully submitted,



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